

NATIONAL HEALTH SERVICE ACT 1977

The Confidentiality and Disclosure of Information: General Medical Services, Personal Medical Services and Alternative Provider Medical Services Directions 2004

The Secretary of State for Health, in exercise of the powers conferred on him by section 17 of the National Health Service Act 1977(a) and of all other powers enabling him in that behalf, hereby gives the following Directions:

Application, commencement and interpretation

1.—(1) These Directions, which may be cited as the Confidentiality and Disclosure of Information: General Medical Services, Personal Medical Services and Alternative Provider Medical Services Directions 2004, are given to Primary Care Trusts and Strategic Health Authorities in England and shall come into force on 2nd September 2004.

(2) In these Directions—

“1977 Act” means the National Health Service Act 1977;

“APMS contract” means arrangements made under section 16CC(2)(b) of the 1977 Act for the provision of primary medical services(b);

“default contract” means a contract under article 13 of the General Medical Services Transitional and Consequential Provisions Order 2004(c);

“GMS Contract” means a contract under section 28Q of the 1977 Act(d);

“GMS Contract Regulations” means the National Health Service (General Medical Services Contracts) Regulations 2004(e);

“PMS Agreement” means an agreement for primary medical services made under section 28C of the 1977 Act(f);

“PMS Agreement Regulations” means the National Health Service (Personal Medical Services Agreements) Regulations 2004(g); and

“relevant body” means—

(a) in a case where a Primary Care Trust is providing services under a PMS Agreement with a Strategic Health Authority, that Strategic Health Authority; and

(b) in all other cases, a Primary Care Trust.

Compliance with the Code of Practice: Confidentiality and Disclosure of Information

2. In exercising any function, or in enforcing any right or obligation, pursuant to—

(a) 1977 c.49. Section 17 was substituted by the Health Act 1999 (c.8) (“the 1999 Act”), section 12(1) and amended by the Health and Social Care Act 2001 (c.15) (“the 2001 Act”), Schedule 5, paragraph 5(3) and the National Health Service Reform and Health Care Professions Act 2002 (c.17) (“the 2002 Act”), Schedule 1, paragraph 7.

(b) Section 16CC was inserted into the 1977 Act by section 174 of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) (“the 2003 Act”).

(c) S.I. 2004/433.

(d) Section 28Q was inserted into the 1977 Act by section 175(1) of the 2003 Act.

(e) S.I. 2004/291.

(f) Section 28C was inserted into the 1977 Act by the National Health Service (Primary Care) Act 1997 (c.46), section 21(1) and amended by the 1999 Act, Schedule 4, paragraph 15, the 2001 Act, Schedule 5, paragraph 11(4), the 2002 Act, Schedule 3, paragraph 7(2) and the 2003 Act, Schedule 11, paragraph 14.

(g) S.I. 2004/627.

- (a) a term of a GMS Contract that gives effect to paragraph 77 (provision of information) or 81 (annual review) of Schedule 6 to the GMS Contract Regulations;
- (b) a term of a PMS Agreement that gives effect to paragraph 73 (provision of information) or 77 (annual review) of Schedule 5 to the PMS Agreement Regulations;
- (c) any equivalent terms to those specified in paragraph (a) in a default contract; or
- (d) any equivalent terms to those specified in paragraph (b) in an APMS contract,

a relevant body shall, insofar as it is relevant to its exercise of that function, or the enforcement of that right or obligation, act in accordance with paragraphs 20 to 24, 30, 31, 35 to 37 and 40 of the document entitled “Confidentiality and Disclosure of Information: General Medical Services (GMS), Personal Medical Services (PMS) and Alternative Provider Medical Services (APMS) Code of Practice” dated 1st September 2004(a).

Signed by authority of the Secretary of State

1st September 2004

Dr Philip Leech FRCGP

Department of Health
A Member of the Senior Civil Service

(a) A copy of this Code of Practice is available on the Department of Health’s website at <http://www.dh.gov.uk/PublicationsAndStatistics/Legislation/DirectionsFromSecretaryState/fs/en> or a copy can be obtained by writing to the Department of Health, Room 3N34, Quarry House, Quarry Hill, Leeds, LS2 7UE